

Amendment No. 1 to SB2737

**Cooper
Signature of Sponsor**

AMEND Senate Bill No. 2737*

House Bill No. 2892

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-5-201, is amended by adding the following language to be appropriately designated as subsection (c):

(c) Notwithstanding any other provision of law, the tariffs of incumbent local exchange telephone companies establishing rates and/or terms for telecommunications services shall be filed with the authority and shall be effective twenty-one (21) days after filing, subject to the following requirements:

(1) Tariffs establishing rates or terms that are valid only for one hundred eighty (180) days or less shall be effective one (1) business day after filing.

(2) Tariffs may be revoked by the authority, after notice and a hearing.

(3) Tariffs may be suspended pending such hearing on showing by a complaining party:

(A) that the complaining party has filed a complaint before the authority alleging with particularity that the tariff violates a specific law;

(B) that the complaining party would be injured as a result of the tariff and has specifically alleged how it would be so injured; and

(C) that the complaining party has a substantial likelihood of prevailing on the merits of its complaint.

In the absence of any complaining party, the authority may suspend a tariff pending a hearing, on its own motion, upon

finding such suspension to be in the public interest. The standard established herein for suspension of tariffs shall apply at all times, including the twenty-one (21) or one (1) day period between filing and effectiveness.

The standard established herein for suspension of tariffs shall not be applicable in any way to the determination by the authority of whether to convene a contested case to consider revocation of a tariff. The authority may choose to convene a contested case, or decline to convene a contested case, in its own discretion, to promote the public interest. The standard established herein for suspension of tariffs shall not be applicable in any way to any decision by the authority regarding revocation of a tariff.

(4) Nothing herein shall alter the existing power of the authority to review those rate increases which are governed by price regulation or rate of return.

(5) Notwithstanding the provisions of this section, the authority may, in its discretion, shorten the twenty-one (21) day period between filing and effectiveness for good cause shown.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring

it.